

DRAFT

MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO, N. C.

REGULAR MEETING:

7 JANUARY 2003

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Florence F. Gatten, Belvin J. Jessup, Yvonne J. Johnson, Robert V. Perkins, Thomas M. Phillips, and Donald R. Vaughan. Absent: None. Also present were J. Edward Kitchen, City Manager; Linda A. Miles, City Attorney; and Juanita F. Cooper, City Clerk.

The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

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The Manager recognized Linda M. Golden, employee in the Housing and Community Development Department, who served as courier for the meeting.

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City Manager Kitchen asked everyone to join in welcoming new Assistant City Managers Ben Brown and Bob Morgan to the Greensboro community and the City family.

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The Mayor explained the Council procedure for conduct of the meeting.

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At Mayor Holliday's request, Councilmember Johnson introduced and read into the minutes a resolution recognizing the importance of the father figure's presence and involvement in the home. After the adoption of the resolution, Councilmember Johnson presented a copy of the resolution to Amos Quick host of WJMH's 102 JAMZ radio station's *Straight Talk* who was present in the Chamber. Mr. Quick expressed appreciation to Council.

Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

1-03 **RESOLUTION RECOGNIZING THE IMPORTANCE OF THE FATHER FIGURE'S PRESENCE AND INVOLVEMENT IN THE HOME**

WHEREAS, it is estimated that 26 million children in the United States go to bed each night without a father present in the home;

WHEREAS, in the United States, an estimated 25 percent of white children; 40 percent of Latino children and nearly 70 percent of African American children are born to unmarried parents;

WHEREAS it has been demonstrated that children raised without the presence of a father figure are more likely to become involved in juvenile delinquency, more likely to live in poverty, less likely to complete their

education and more likely to commit crimes and spend time in correctional facilities;

WHEREAS, studies have shown that fathers spend less than one minute daily in constructive conversation with their children;

WHEREAS, 80 percent of all African American children will spend at least part of their childhood living apart from their fathers;

WHEREAS, children deserve strong and positive relationships with their fathers and that altering the trend of father absence is recognized as a priority agenda item in the greater Greensboro community;

WHEREAS, WJMH's (102 JAMZ) Straight Talk with Amos Quick community affairs program has dedicated itself in 2003 to the objectives of: (1) reconnecting and strengthening the bonds between fathers and their children, (2) reversing the destructive trend of father absence and (3) advocating for the passing of legislation on the local and state levels that strengthens fathers and families.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the importance of the father figure's presence and involvement in the home and the objectives of 102 JAMZ in 2003 are hereby supported by the City of Greensboro.

(Signed) Claudette Burroughs-White

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Advising that Council would be asked to consider an agenda item later in the meeting to appropriate \$800,000 to pay for work to continue storm cleanup, the Manager advised that Dale Wyrick, Operations Manager for the Transportation Department, would provide a brief update with regard to this work.

Stating that the City had temporarily relaxed the bundling requirements for debris placed at the curbside, Mr. Wyrick spoke to the hiring of additional resources to assist with the debris removal; he used a map to illustrate the status of storm debris pickup of heavy equipment crews, reviewed the tonnage hauled to the landfill and cost to the city.

Council discussed with Mr. Wyrick specific materials collected during the normal solid waste collection cycle, the timeframe for city-wide debris collection and return to the enforcement of bundling requirements, the use of crews to clear City park walkways because of the inability of the City to use heavy equipment in the parks due to the wet conditions, the process to be used to contact the City regarding dangerous limbs on city property, etc. The City Manager advised that limbs on private property were responsibility of the property owner. Brief discussion was also held with regard to the timeframe for the completion in January 2003 of the Department's loose-leaf collection.

Noting that due to weather conditions, some potholes had developed in City, Mr. Wyrick advised Greensboro crews were available to patch potholes and provided information with regard to the process for reporting these potholes to the City.

The Mayor and members of Council expressed sincere appreciation to the Transportation Department staff, staff of other City departments and personnel involved in the City's storm cleanup for their hard work.

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After Councilmember Johnson left the Chamber at 6:16 p.m., the Mayor noted that she was not feeling well. Upon motion of Councilmember Vaughan, seconded by Councilmember Burroughs-White, Council voted unanimously on voice vote to excuse Councilmember Johnson from attendance at the remainder of the meeting.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits located at 2603 Wilpar Drive—0.966 acres. He thereupon introduced so these matters could be discussed together an ordinance establishing original zoning classification from County Zoning RS-40 Residential Single Family to City Zoning RS-40 Residential Single Family for property located on the north side of Wilpar Drive between Parker-Baldwin Lane and Wilpar Terrace.

C. Thomas Martin, Planning Department Director, used a map to illustrate the property and surrounding area and stated the annexation and original zoning was recommended for approval by the Planning Board, Zoning Commission and Planning Department staff. He noted that this annexation was pursuant to utility agreement and annexation petition and was consistent with the policy adopted by Council. Council agreed that they were familiar with this property and did not need to view the slides.

The Mayor asked if anyone wished to be heard.

There being no one present desiring to speak to these items, Mr. Martin provided the following staff recommendation:

Item 7 – Wilpar Drive

The Planning Department recommends that this original zoning be approved.

This property adjoins on its east and north lines four other lots that City Council has voted to annex pursuant to Utility Agreement and Annexation Petitions.

The effective date for annexation of two lots to the north is December 31st.

This RS-40 original zoning is consistent with the zoning classification that has previously been approved for Wilpar Estates.

Councilmember Phillips moved adoption of the ordinance annexing territory to the corporate limits located at 2603 Wilpar Drive—0.966 acres. The motion was seconded by Councilmember Burroughs-White; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Perkins, Phillips and Vaughan. Noes: None.

03-1 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 2603 WILPAR DRIVE – 0.966 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the Greensboro satellite corporate limits (as of December 31, 2002), said point being the northernmost corner of Lot 1 of Mark A. Lindsay, recorded in Plat Book 148, Page 97 in the Office of the Register of Deeds of Guilford County; THENCE PROCEEDING WITH THE SATELLITE CITY LIMITS S 65° 13' 26" E 199.82 feet along the northeast line of said lot to its east corner; thence S 24° 43' 48" W 210.54 feet along the southeast line of said lot to its southernmost corner, said corner also being on the northeastern right-of-way line of Wilpar Drive; THENCE DEPARTING FROM THE SATELLITE CITY LIMITS along said right-of-way line N 65° 28' 36" W 198.84 feet to the westernmost corner of said lot; thence N 24° 27' 54" E 211.42 feet along the northwest line of said lot to the point and place of BEGINNING, and containing 0.965 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected

either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after March 31, 2003, the liability for municipal taxes for the 2002-2003 fiscal year shall be prorated on the basis of 3/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2003. Municipal ad valorem taxes for the 2003-2004 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after March 31, 2003.

(Signed) Thomas M. Phillips

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Councilmember Burroughs-White thereupon moved adoption of the ordinance establishing original zoning classification from County Zoning RS-40 Residential Single Family to City Zoning RS-40 Residential Single Family for property located on the north side of Wilpar Drive between Parker-Baldwin Lane and Wilpar Terrace. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-2 AMENDING OFFICIAL ZONING MAP

NORTH SIDE OF WILPAR DRIVE BETWEEN PARKER-BALDWIN LANE AND WILPAR TERRACE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-40 Residential Single Family to City Zoning RS-40 Residential Single Family uses for the area described as follows:

BEGINNING at a point in the Greensboro satellite corporate limits (as of December 31, 2002), said point being the northernmost corner of Lot 1 of Mark A. Lindsay, recorded in Plat Book 148, Page 97 in the Office of the Register of Deeds of Guilford County; THENCE PROCEEDING WITH THE SATELLITE CITY LIMITS S 65° 13' 26" E 199.82 feet along the northeast line of said lot to its east corner; thence S 24° 43' 48" W 210.54 feet along the southeast line of said lot to its southernmost corner, said corner also being on the northeastern right-of-way line of Wilpar Drive; THENCE DEPARTING FROM THE SATELLITE CITY LIMITS along said right-of-way line N 65° 28' 36" W 198.84 feet to the westernmost corner of said lot; thence N 24° 27' 54" E 211.42 feet along the northwest line of said lot to the point and place of BEGINNING, and containing 0.965 acres.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Claudette Burroughs-White

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits located at 3207 Horse Pen Creek Road –2.41 acres. He thereupon

introduced so these matters could be discussed together an ordinance establishing original zoning classification from County Zoning RS-40 Residential Single Family to City Zoning Conditional Use-RM-8 Residential Multifamily for property located on the north side of Horse Pen Creek Road between Carlson Dairy Road and Gray Bluff Court. The Mayor administered the oath to those individuals who wished to speak to these matters.

Mr. Martin used a map and slides to illustrate the property and surrounding area, stated the Planning Board and Zoning Commission recommended the annexation and original zoning, and provided the following staff presentation:

REQUEST – ITEM 9

This request is to establish original zoning of property from County Zoning RS-40 Residential Single Family to City Zoning Conditional Use – RM-8 Residential Multifamily.

The RS-40 District is primarily intended to accommodate single family detached dwellings on large lots in areas without access to public water and sewer service at a density of 1.0 unit per acre or less.

The RM-8 District is primarily intended to accommodate duplexes, townhouses, cluster housing, and similar residential uses at a density of 8.0 units per acre or less.

CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) Uses: The use of the property shall be limited to a child daycare center and accessory uses.
- 2) All buildings shall be one story in height.
- 3) All buildings shall be constructed of substantially brick veneer building materials.
- 4) No exterior lighting fixture shall exceed the height of the building.
- 5) Any freestanding exterior lighting shall be directed away from adjoining properties.
- 6) Owner shall retain and enhance existing vegetation along the eastern and western property line to provide a continuous screen of evergreen plantings consisting of Leyland cypress trees.
- 7) The daycare center's hours of operation will be from 7:00 a.m. – 6:00 p.m. Monday – Friday.
- 8) All dumpsters and HVAC equipment shall be screened.
- 9) Owner shall extend the existing fence on the western property line of the subject property to provide a buffer to the adjoining property owner subject to the approval of adjoining property owner to extend such fence.
- 10) Owner shall construct an eastbound left turn lane and a westbound right turn lane from Horse Pen Creek Road into the daycare center as approved by Greensboro Department of Transportation. The westbound right turn lane shall be extended to the intersection of Horse Pen Creek Road and Carlson Dairy Road if approved by Greensboro Department of Transportation.
- 11) Owner shall construct exclusive southbound left and right turn lanes exiting the daycare center as approved by Greensboro Department of Transportation.
- 12) Any freestanding signage shall be limited to one monument sign, a maximum of six feet in height.
- 13) Enrollment shall be limited to 150 students.
- 14) Any vehicles owned and operated by the facility shall be garaged when not in use.

DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 2.4 acres and is located on the north side of Horse Pen Creek Road between Carlson Dairy Road and Gray Bluff Court.

	<u>Zoning</u>	<u>Land Use</u>
Subject Property	RS-40 (Co)	Single family dwelling
North	RS-40	Stonehaven Subdivision

East	RS-40	Stonehaven Subdivision
South	CU-RM-8 (Co)	Two single family dwellings
West	RS-40 (Co)	Single family dwelling

Mayor Holliday asked if anyone wished to speak to these ordinances.

Henry Isaacson, attorney with offices at 101 West Friendly Avenue and representing Legacy Enterprises, LLC, developers of the property, spoke in favor of the two ordinances; he advised that the developers were present in the Chamber if Council had questions. Mr. Isaacson advised the conditions contained in the ordinance which reflected the developers' attempt to address neighborhood concerns; spoke briefly to the Zoning Commission meeting and the unanimous vote to recommend approval; mentioned letters of support for project from local property owners, businesses and a homeowners association; and added that traffic concerns had been addressed with the conditions contained in the proposed ordinance and he believed the Transportation Department staff were comfortable with the proposed improvements.

There being no one else desiring to speak, Councilmember Vaughan moved to close the public hearing on the two items. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of Council.

Mr. Martin provided the following staff recommendation:

Item 9 – Horse Pen Creek Road

The Planning Department recommends that this original zoning request be approved.

This is a good location for a day care center since it is at the intersection of a minor thoroughfare and a collector street which makes it convenient for this type of business.

There are several nonresidential uses in this immediate vicinity including the YMCA and a church.

GDOT has some concerns relative to the functionality of this site with respect to access and traffic circulation; however, these concerns can be addressed at the site plan stage.

Given the extensive conditions, staff feels that this use will be compatible with surrounding residential development and, at this location, will be a benefit to the community.

Councilmember Burroughs-White moved adoption of the ordinance annexing territory to the corporate limits located at 3207 Horse Pen Creek Road—2.41 acres. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Perkins, Phillips and Vaughan. Noes: None.

03-3 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 3207 HORSE PEN CREEK ROAD – 2.41 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at an iron pipe in the northern right-of-way of Horse Pen Creek Road (N.C.S.R. 2182), said iron pipe having NC State Plane Coordinates (and 83) N- 266,337.103 meters and E- 530,285.397 meters, said iron being further described as the southwest corner of Lot 1 of Stonehaven Subdivision, as recorded in Plat Book 137, Page 56 in the Office of the Register of Deeds of Guilford County; thence with the northern right-of-way line of Horse Pen Creek Road along a counter-clockwise curve with a radius of 17,695.80 feet, a delta angle of 00° 54'

47", an arc length of 281.99 feet, and a chord bearing and distance of S 71° 35' 22" W 281.98 feet to an iron pipe set; thence continuing with the right-of-way line of Horse Pen Creek Road the following four courses and distances: (1) S 80° 47' 02" E 19.69 feet to an iron pipe set, (2) S 71° 35' 40" W 77.87 feet to a computed point, (3) N 53° 02' 56" W 6.13 feet to a computed point, (4) N 06° 50' 52" E 10.96 feet to an iron pipe found, a corner with F. Kent Wilkins et ux; thence with the line of Wilkins N 06° 50' 52" E 22.33 feet to a computed point; thence continuing with Wilkins line N 06° 50' 52" E 353.48 feet to an iron pipe found, the southwest corner of Lot 5 of Stonehaven Subdivision; thence with the southern lines of Lots 5 and 6 of Stonehaven Subdivision N 87° 04' 34" E 316.27 feet to an iron pipe found at the southeast corner of said Lot 6; thence with the western lines of Lots 3, 2, and 1 of Stonehaven Subdivision S 06° 57' 49" W, passing iron pipes found at 70.08 feet and an additional 97.56 feet, a total distance of 289.16 feet to the point and place of BEGINNING, and containing approximately 2.41 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after March 31, 2003, the liability for municipal taxes for the 2002-2003 fiscal year shall be prorated on the basis of 3/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2003. Municipal ad valorem taxes for the 2003-2004 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after March 31, 2003.

(Signed) Claudette Burroughs-White

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Councilmember Gatten moved that the ordinance establishing original zoning classification from County Zoning RS-40 Residential Single Family to City Zoning Conditional Use-RM-8 Residential Multifamily for property located on the north side of Horse Pen Creek Road between Carlson Dairy Road and Gray Bluff Court be adopted based on the following findings of fact:

- 1) The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety because there are no health or safety concerns inherent in the proposed use of this property for a day care center.
- 2) The development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property because extensive conditions have been provided that will insure compatibility with the surrounding residential community.
- 3) The location and character of the development in accordance with the proposed conditions will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because this is a good location for a day care center since it provides convenient access for this type of business.

The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote:
Ayes: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Perkins, Phillips and Vaughan. Noes: None.

03-4 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF CONDITIONAL USE PERMIT

NORTH SIDE OF HORSE PEN CREEK ROAD BETWEEN CARLSON DAIRY ROAD AND GRAY BLUFF COURT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-40 Residential Single Family to City Zoning Conditional Use – RM-8 Residential Multifamily (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at an iron pipe in the northern right-of-way of Horse Pen Creek Road (N.C.S.R. 2182), said iron pipe having NC State Plane Coordinates (nad 83) N- 266,337.103 meters and E- 530,285.397 meters, said iron being further described as the southwest corner of Lot 1 of Stonehaven Subdivision, as recorded in Plat Book 137, Page 56 in the Office of the Register of Deeds of Guilford County; thence with the northern right-of-way line of Horse Pen Creek Road along a counter-clockwise curve with a radius of 17,695.80 feet, a delta angle of 00° 54' 47", an arc length of 281.99 feet, and a chord bearing and distance of S 71° 35' 22" W 281.98 feet to an iron pipe set; thence continuing with the right-of-way line of Horse Pen Creek Road the following four courses and distances: (1) S 80° 47' 02" E 19.69 feet to an iron pipe set, (2) S 71° 35' 40" W 77.87 feet to a computed point, (3) N 53° 02' 56" W 6.13 feet to a computed point, (4) N 06° 50' 52" E 10.96 feet to an iron pipe found, a corner with F. Kent Wilkins et ux; thence with the line of Wilkins N 06° 50' 52" E 22.33 feet to a computed point; thence continuing with Wilkins line N 06° 50' 52" E 353.48 feet to an iron pipe found, the southwest corner of Lot 5 of Stonehaven Subdivision; thence with the southern lines of Lots 5 and 6 of Stonehaven Subdivision N 87° 04' 34" E 316.27 feet to an iron pipe found at the southeast corner of said Lot 6; thence with the western lines of Lots 3, 2, and 1 of Stonehaven Subdivision S 06° 57' 49" W, passing iron pipes found at 70.08 feet and an additional 97.56 feet, a total distance of 289.16 feet to the point and place of BEGINNING, and containing approximately 2.41 acres.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

- 1) Uses: The use of the property shall be limited to a child daycare center and accessory uses.
- 2) All buildings shall be one story in height.
- 3) All buildings shall be constructed of substantially brick veneer building materials.
- 4) No exterior lighting fixture shall exceed the height of the building.
- 5) Any freestanding exterior lighting shall be directed away from adjoining properties.
- 6) Owner shall retain and enhance existing vegetation along the eastern and western property line to provide a continuous screen of evergreen plantings consisting of Leyland cypress trees.
- 7) The daycare center's hours of operation will be from 7:00 a.m. – 6:00 p.m. Monday – Friday.
- 8) All dumpsters and HVAC equipment shall be screened.
- 9) Owner shall extend the existing fence on the western property line of the subject property to provide a buffer to the adjoining property owner subject to the approval of adjoining property owner to extend such fence.
- 10) Owner shall construct an eastbound left turn lane and a westbound right turn lane from Horse Pen Creek Road into the daycare center as approved by Greensboro Department of Transportation. The westbound right turn lane shall be extended to the intersection of Horse Pen Creek Road and Carlson Dairy Road if approved by Greensboro Department of Transportation.
- 11) Owner shall construct exclusive southbound left and right turn lanes exiting the daycare center as approved by Greensboro Department of Transportation.

- 12) Any freestanding signage shall be limited to one monument sign, a maximum of six feet in height.
- 13) Enrollment shall be limited to 150 students.
- 14) Any vehicles owned and operated by the facility shall be garaged when not in use.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective upon the date of annexation.

(Signed) Florence F. Gatten

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The Mayor stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits located west of Yanceyville Street—159.25 acres. He thereupon introduced so these matters could be discussed together an ordinance establishing original zoning classification from County Zoning Agricultural and Conditional Use-RM-12 Residential Single Family to City Zoning RS-12 Residential Single Family for property located on the west side of Yanceyville Street between Gilchrist Road and Larkhill Court.

Mr. Martin used a map to illustrate the property and surrounding area and stated the request had received unanimous recommendation by the Planning Board and Zoning Commission. Council agreed that they were familiar with this property and did not need to view slides of the area.

Mayor Holliday asked if anyone wished to be heard.

There being no one present desiring to speak to these items, Mr. Martin presented the following staff recommendation:

Item 11 – Yanceyville Street & Gilchrist Road

The Planning Department recommends that this original zoning be approved.

This property is covered by a Utility Agreement and Annexation Petition and has been unanimously recommended for annexation by the Planning Board.

The property is contiguous to the present city limits on almost all of its south line, most of its west line, and a small part of its north line.

The Utility Agreement and Annexation Petition covers 151.16 acres held in private hands.

Separating this privately held property from the present city limits running near Lake Brandt is a tract held jointly by Guilford County and the City for watershed protection purposes. That is the AG zoned portion of this proposal.

North Carolina annexation law permits a city to include such publicly held property in an annexation.

The Peach Orchard Lift Station is currently under construction at a new location which will enlarge the gravity sewer service area to accommodate the northern part of Storrington and the developer is participating in the cost of construction.

The estimated completion date is June 2003.

With this lift station upgrade and an approved plan for cluster development of the single family lots that leaves the area west of the Duke Power right-of-way as open space, there is no longer a need for the two conditions in the existing CU-RS-12 zoning of the property.

RS-12 original zoning is the best option for this request and is consistent with the zoning to the south for Carriage Woods and the Orchard Subdivisions.

Councilmember Burroughs-White moved adoption of an ordinance annexing territory to the corporate limits located west of Yanceyville Street—159.25 acres. The motion was seconded by Councilmember Perkins; the ordinance was adopted on the following roll call vote: Ayes: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Perkins, Phillips and Vaughan. Noes: None.

03-5 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED WEST OF YANCEYVILLE STREET – 159.25 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro city limit line, said point being the southeast corner of Ora L. Chappell Heirs, as recorded at Deed Book 3434, Page 1239 in the Office of the Register of Deeds of Guilford County, said point also being in the north line of Lot 52 of Carriage Woods, Phase 1, Section 2, as recorded at Plat Book 133, Page 99 in the Office of the Register of Deeds; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS N 86° 52' 00" W 500.56 feet along the north line of Carriage Woods to the southeast corner of Dale Robinson, as recorded at Deed Book 4809, Page 1256 in the Office of the Register of Deeds; THENCE DEPARTING FROM THE EXISTING CITY LIMITS N 00° 14' 39" E 199.89 feet along Robinson's east line to Robinson's northeast corner; thence N 86° 43' 06" W 298.17 feet along Robinson's north line to Robinson's northwest corner; thence S 00° 08' 59" W 200.13 feet along Robinson's west line to Robinson's southwest corner, a point in the existing city limits, said point also being in the north line of Common Area of Carriage Woods, Phase 1, Section 1, as recorded at Plat Book 131, Page 34 in the Office of the Register of Deeds; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS N 86° 45' 43" W 93.23 feet along the north line of said Common Area to a point; thence N 86° 48' 35" W 154.37 feet along the north line of said Common Area to a point; thence N 86° 41' 42" W 248.70 feet along the north line of said Common Area to a point; thence N 86° 50' 27" W 386.96 feet to the northeast corner of Section 3-B of The Orchard, as recorded at Plat Book 59, Page 6 in the Office of the Register of Deeds; thence N 86° 42' 26" W 461.70 feet along the north line of said Section 3-B to a point in the east line of Drainageway and Open Space in Section 2A of Lakeshore Village, as recorded at Plat Book 121, Page 58 in the Office of the Register of Deeds; THENCE DEPARTING FROM THE EXISTING CITY LIMITS N 01° 22' 32" E 552.29 feet along said Drainageway and Open Space to the northeast corner of said Drainageway and Open Space; thence N 47° 23' 05" W 211.00 feet along the east line of Drainageway and Open Space in Section 3 of Lakeshore Village, as recorded at Plat Book 127, Page 19 in the Office of the Register of Deeds; thence continuing along said east line N 01° 27' 25" E 87.91 feet to a point; thence continuing along said east line N 23° 36' 35" E 198.94 feet to the southeast corner of Drainageway and Open Space in Section 4 of Lakeshore Village, as recorded at Plat Book 130, Page 91 in the Office of the Register of Deeds; thence N 36° 46' 45" E 415.63 feet along the east line of said Drainageway and Open Space to a point in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS S 66° 48' 05" E 123.40 feet to a point; thence N 33° 10' 10" E 736.65 feet to a point; thence N 82° 11' 18" E 127.52 feet to a point; thence S 48° 47' 23" E 149.10 feet to a point; thence N 29° 05' 40" E 102.84 feet to a point; thence N 36° 39' 40" W 342.65 feet to a point; thence N 14° 47' 10" E 196.41 feet to a point; thence N 21° 35' 25" E 408.17 feet to a point; thence N 30° 19' 15" E 514.81 feet to a point; thence N 33° 43' 00" E 342.42 feet to a point; thence N 49° 14' 00" E 290.71 feet to a point; thence N 89° 28' 30" E 473.44 feet to a point; thence S 02° 40' 15" W 421.24 feet to a point; THENCE DEPARTING FROM THE EXISTING CITY LIMITS S 05° 44' 30" W 373.11 feet along the west line of Rachel Norton to a point; thence S 04° 51' 09" W

536.37 feet along the west line of Marcia Walters to a point, said point being the northwest corner of Alfred C. Cole and wife; thence S 03° 28' 55" W 183.17 feet along Cole's west line to Cole's southwest corner; thence S 84° 43' 16" E 1,250.63 feet along Cole's south line to a point; thence N 04° 55' 25" E 105.26 feet along Cole's south line to a point; thence S 85° 23' 28" E 375.51 feet along Cole's south line to a point in the western margin of Yanceyville Street; thence in a southerly direction with said western margin the following bearings and distances: S 27° 52' 28" W 473.58 feet to a point, S 19° 58' 50" W 209.33 feet to a point, S 19° 31' 45" W 562.67 feet to a point, S 18° 54' 50" W 293.39 feet to a point, and S 16° 09' 38" W 161.78 feet to the southeast corner of Lot 4 of Subdivision of Property of Nellie Chappell Heirs, as recorded at Plat Book 65, Page 75 in the Office of the Register of Deeds; thence N 86° 07' 30" W 887.57 feet along the south line of said Lot 4 to the southwest corner of said Lot 4; thence S 06° 03' 56" W 222.83 feet to a point; thence S 02° 51' 48" W 181.80 feet to a point; thence S 01° 33' 59" W 181.78 feet to the point and place of BEGINNING, and containing approximately 159.25 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after March 31st, 2003, the liability for municipal taxes for the 2002-2003 fiscal year shall be prorated on the basis of 3/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2003. Municipal ad valorem taxes for the 2003-2004 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after March 31, 2003.

(Signed) Claudette Burroughs-White

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Councilmember Phillips moved adoption of the ordinance establishing original zoning classification from County Zoning Agricultural and Conditional Use-RM-12 Residential Single Family to City Zoning RS-12 Residential Single Family for property located on the west side of Yanceyville Street between Gilchrist Road and Larkhill Court. The motion was seconded by Councilmember Gatten. After the vote was recorded, Councilmember Jessup stated that he had not voted as he had intended. Upon motion of Councilmember Vaughan, seconded by Councilmember Carmany, the Council voted unanimously to instruct the Clerk to clear the board. The ordinance was thereupon adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Perkins, Phillips and Vaughan. Noes: None.

03-6 AMENDING OFFICIAL ZONING MAP

WEST SIDE OF YANCEYVILLE STREET BETWEEN GILCHRIST ROAD AND LARKHILL COURT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Agricultural and Conditional Use – RS-12 Residential Single Family to City Zoning RS-12 Residential

Single Family uses for the area described as follows:

BEGINNING at a point in the existing Greensboro city limit line, said point being the southeast corner of Ora L. Chappell Heirs, as recorded at Deed Book 3434, Page 1239 in the Office of the Register of Deeds of Guilford County, said point also being in the north line of Lot 52 of Carriage Woods, Phase 1, Section 2, as recorded at Plat Book 133, Page 99 in the Office of the Register of Deeds; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS N 86° 52' 00" W 500.56 feet along the north line of Carriage Woods to the southeast corner of Dale Robinson, as recorded at Deed Book 4809, Page 1256 in the Office of the Register of Deeds; THENCE DEPARTING FROM THE EXISTING CITY LIMITS N 00° 14' 39" E 199.89 feet along Robinson's east line to Robinson's northeast corner; thence N 86° 43' 06" W 298.17 feet along Robinson's north line to Robinson's northwest corner; thence S 00° 08' 59" W 200.13 feet along Robinson's west line to Robinson's southwest corner, a point in the existing city limits, said point also being in the north line of Common Area of Carriage Woods, Phase 1, Section 1, as recorded at Plat Book 131, Page 34 in the Office of the Register of Deeds; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS N 86° 45' 43" W 93.23 feet along the north line of said Common Area to a point; thence N 86° 48' 35" W 154.37 feet along the north line of said Common Area to a point; thence N 86° 41' 42" W 248.70 feet along the north line of said Common Area to a point; thence N 86° 50' 27" W 386.96 feet to the northeast corner of Section 3-B of The Orchard, as recorded at Plat Book 59, Page 6 in the Office of the Register of Deeds; thence N 86° 42' 26" W 461.70 feet along the north line of said Section 3-B to a point in the east line of Drainageway and Open Space in Section 2A of Lakeshore Village, as recorded at Plat Book 121, Page 58 in the Office of the Register of Deeds; THENCE DEPARTING FROM THE EXISTING CITY LIMITS N 01° 22' 32" E 552.29 feet along said Drainageway and Open Space to the northeast corner of said Drainageway and Open Space; thence N 47° 23' 05" W 211.00 feet along the east line of Drainageway and Open Space in Section 3 of Lakeshore Village, as recorded at Plat Book 127, Page 19 in the Office of the Register of Deeds; thence continuing along said east line N 01° 27' 25" E 87.91 feet to a point; thence continuing along said east line N 23° 36' 35" E 198.94 feet to the southeast corner of Drainageway and Open Space in Section 4 of Lakeshore Village, as recorded at Plat Book 130, Page 91 in the Office of the Register of Deeds; thence N 36° 46' 45" E 415.63 feet along the east line of said Drainageway and Open Space to a point in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS S 66° 48' 05" E 123.40 feet to a point; thence N 33° 10' 10" E 736.65 feet to a point; thence N 82° 11' 18" E 127.52 feet to a point; thence S 48° 47' 23" E 149.10 feet to a point; thence N 29° 05' 40" E 102.84 feet to a point; thence N 36° 39' 40" W 342.65 feet to a point; thence N 14° 47' 10" E 196.41 feet to a point; thence N 21° 35' 25" E 408.17 feet to a point; thence N 30° 19' 15" E 514.81 feet to a point; thence N 33° 43' 00" E 342.42 feet to a point; thence N 49° 14' 00" E 290.71 feet to a point; thence N 89° 28' 30" E 473.44 feet to a point; thence S 02° 40' 15" W 421.24 feet to a point; THENCE DEPARTING FROM THE EXISTING CITY LIMITS S 05° 44' 30" W 373.11 feet along the west line of Rachel Norton to a point; thence S 04° 51' 09" W 536.37 feet along the west line of Marcia Walters to a point, said point being the northwest corner of Alfred C. Cole and wife; thence S 03° 28' 55" W 183.17 feet along Cole's west line to Cole's southwest corner; thence S 84° 43' 16" E 1,250.63 feet along Cole's south line to a point; thence N 04° 55' 25" E 105.26 feet along Cole's south line to a point; thence S 85° 23' 28" E 375.51 feet along Cole's south line to a point in the western margin of Yanceyville Street; thence in a southerly direction with said western margin the following bearings and distances: S 27° 52' 28" W 473.58 feet to a point, S 19° 58' 50" W 209.33 feet to a point, S 19° 31' 45" W 562.67 feet to a point, S 18° 54' 50" W 293.39 feet to a point, and S 16° 09' 38" W 161.78 feet to the southeast corner of Lot 4 of Subdivision of Property of Nellie Chappell Heirs, as recorded at Plat Book 65, Page 75 in the Office of the Register of Deeds; thence N 86° 07' 30" W 887.57 feet along the south line of said Lot 4 to the southwest corner of said Lot 4; thence S 06° 03' 56" W 222.83 feet to a point; thence S 02° 51' 48" W 181.80 feet to a point; thence S 01° 33' 59" W 181.78 feet to the point and place of BEGINNING, and containing approximately 159.25 acres.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Thomas M. Phillips

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The Mayor stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits located at 5834 Owl's Roost Road—253.0 acres. He thereupon introduced so these matters could be discussed together an ordinance establishing original zoning from County Zoning Public and Institutional to City Zoning Public and Institutional for property located on the north side of Owl's Roost Road between U.S. 220 North and Cedar Glen Road.

Mr. Martin stated this annexation of Bur-Mil Park owned by Guilford County was the result of a utility agreement and annexation petition, used a map to illustrate the property and surrounding area, and advised this annexation and original zoning had received unanimous recommendation for approval by the Planning Board and Zoning Commission. Council agreed that they were familiar with this property and did not need to view slides of the area.

The Mayor asked if anyone wished to be heard.

There being no one present desiring to speak to these items, Mr. Martin provided the following staff recommendation:

Item 13 – US 220 North & Owls Roost Road

The Planning Department recommends that this original zoning request be approved.

The annexation of Bur-Mil Park is the result of a Utility Agreement and Annexation Petition which was executed in October of this year.

This property is contiguous to the present city limits on all of its north line and on portions of its west, south, and east lines.

At its November meeting, the Planning Board unanimously recommended the annexation of this 253 acre tract.

Bur-Mil Park is presently zoned Public and Institutional by Guilford County and staff recommends that this zoning classification be placed on the property upon annexation.

Councilmember Gatten moved adoption of the ordinance annexing territory to the corporate limits located at 5834 Owl's Roost Road—253.0 acres. The motion was seconded by Councilmember Perkins; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-7 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 5834 OWL'S ROOST ROAD – 253.0 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro city limit line (as of November 30, 2002), said point being at the southeast corner of Battleground Avenue (U.S. Highway 220) and Owl's Roost Road (NCSR # 2337) and being the northwest corner of Phase Two of Davidson Place, as recorded at Plat Book 138, Page 99 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS S 65° 48' 25" W 150 feet, crossing Battleground Avenue, to a point on its southwest right-of-way line; thence in a northwesterly direction with said right-of-way line approximately 1,150 feet to a point in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS the following courses and distances: in a northwesterly direction with said right-of-way line approximately 1,600 feet to a point, in an easterly direction approximately 443 feet to a point, N 11° 22' 22" E approximately 630 feet to a point, S 88° 25' 03" E 840.73 feet to a point, S 88° 32' 39" E 466.13 feet to a point, N 30° 22' 14" E 1,233.39 feet to a point, S 65° 30' 56" E 992.21

feet to a point, N 71° 55' 54" E 100.00 feet to a point, S 37° 57' 52" E 302.51 feet to a point, S 15° 42' 56" E 270.93 feet to a point, S 08° 40' 56" E 361.22 feet to a point, S 08° 48' 56" E 73.64 feet to the northwest corner of Sheet 2 of Section One of Owls Roost Subdivision, as recorded at Plat Book 56, Page 24 in the Office of the Register of Deeds; THENCE DEPARTING FROM THE EXISTING CITY LIMITS and following the common property line of said Sheet 2 and Guilford County the following courses and distances: S 08° 44' 20" E 379.56 feet to a point, S 09° 48' 44" E 117.41 feet to a point, S 15° 55' 24" E 100.20 feet to a point, S 23° 58' 24" E 100.00 feet to a point, S 31° 37' 24" E 100.03 feet to a point, S 39° 31' 16" E 99.92 feet to a point, S 47° 41' 24" E 99.85 feet to a point, S 54° 43' 41" E 99.94 feet to a point, and S 57° 08' 21" E 284.02 feet to the northwest corner of Sheet 1 of Section One of Owls Roost Subdivision, as recorded at Plat Book 56, Page 23 in the Office of the Register of Deeds; thence following the common property line of said Sheet 1 and Guilford County the following courses and distances: S 57° 08' 10" E 397.01 feet to a point, and S 56° 32' 41" E 99.96 feet to a point in the existing city limit line; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS along the common property line of Margaret H. Caldwell, Heirs and Guilford County the following courses and distances: S 01° 01' 34" W 192.18 feet to a point, and S 02° 24' 05" W 279.52 feet to the northeast corner of Edwin B. and Carole S. Monroe; THENCE DEPARTING FROM THE EXISTING CITY LIMITS with Monroe's northern line S 70° 59' 36" W 400.96 feet to Monroe's northwest corner; thence S 00° 24' 58" E approximately 297 feet along Monroe's western line and the projection thereof to a point on the south right-of-way line of Owl's Roost Road; thence in a westerly direction with said right-of-way line approximately 200 feet to its intersection with the southward projection of the eastern line of a second property of Edwin B. and Carole S. Monroe; thence N 11° 00' 56" W approximately 295 feet along said projection and said eastern line to Monroe's northeast corner; thence S 84° 41' 48" W 850.37 feet along Monroe's northern line to Monroe's northwest corner; thence N 01° 15' 49" E 480.05 feet along the eastern line of Eric R. and Mary S. Calhoun to an existing stone; thence continuing with said line N 01° 15' 07" W 429.11 feet to Calhoun's northeast corner; thence S 89° 01' 06" W 834.79 feet along Calhoun's northern line to a point in the east right-of-way line of Bur-Mil Club Road (NCSR # 2336); thence in a southerly direction with said right-of-way line and the projection thereof approximately 1,330 feet to a point in the south right-of-way line of Owl's Roost Road, said point being in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS in a westerly direction with said south right-of-way line approximately 1,700 feet to the point and place of BEGINNING, and containing approximately 253 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after March 31, 2003, the liability for municipal taxes for the 2002-2003 fiscal year shall be prorated on the basis of 3/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2003. Municipal ad valorem taxes for the 2003-2004 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after March 31, 2003.

(Signed) Florence F. Gatten

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Councilmember Gatten moved adoption of the ordinance establishing original zoning from County Zoning Public and Institutional to City Zoning Public and Institutional for property located on the north side of Owl's Roost Road between U.S. 220 North and Cedar Glen Road. The motion was seconded by Councilmember Perkins; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-8 AMENDING OFFICIAL ZONING MAP

NORTH SIDE OF OWLS ROOST ROAD BETWEEN U.S. 220 NORTH AND CEDAR GLEN ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Public and Institutional to City Zoning Public and Institutional uses for the area described as follows:

BEGINNING at a point in the existing Greensboro city limit line (as of November 30, 2002), said point being at the southeast corner of Battleground Avenue (U.S. Highway 220) and Owl's Roost Road (NCSR # 2337) and being the northwest corner of Phase Two of Davidson Place, as recorded at Plat Book 138, Page 99 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS S 65° 48' 25" W 150 feet, crossing Battleground Avenue, to a point on its southwest right-of-way line; thence in a northwesterly direction with said right-of-way line approximately 1,150 feet to a point in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS the following courses and distances: in a northwesterly direction with said right-of-way line approximately 1,600 feet to a point, in an easterly direction approximately 443 feet to a point, N 11° 22' 22" E approximately 630 feet to a point, S 88° 25' 03" E 840.73 feet to a point, S 88° 32' 39" E 466.13 feet to a point, N 30° 22' 14" E 1,233.39 feet to a point, S 65° 30' 56" E 992.21 feet to a point, N 71° 55' 54" E 100.00 feet to a point, S 37° 57' 52" E 302.51 feet to a point, S 15° 42' 56" E 270.93 feet to a point, S 08° 40' 56" E 361.22 feet to a point, S 08° 48' 56" E 73.64 feet to the northwest corner of Sheet 2 of Section One of Owls Roost Subdivision, as recorded at Plat Book 56, Page 24 in the Office of the Register of Deeds; THENCE DEPARTING FROM THE EXISTING CITY LIMITS and following the common property line of said Sheet 2 and Guilford County the following courses and distances: S 08° 44' 20" E 379.56 feet to a point, S 09° 48' 44" E 117.41 feet to a point, S 15° 55' 24" E 100.20 feet to a point, S 23° 58' 24" E 100.00 feet to a point, S 31° 37' 24" E 100.03 feet to a point, S 39° 31' 16" E 99.92 feet to a point, S 47° 41' 24" E 99.85 feet to a point, S 54° 43' 41" E 99.94 feet to a point, and S 57° 08' 21" E 284.02 feet to the northwest corner of Sheet 1 of Section One of Owls Roost Subdivision, as recorded at Plat Book 56, Page 23 in the Office of the Register of Deeds; thence following the common property line of said Sheet 1 and Guilford County the following courses and distances: S 57° 08' 10" E 397.01 feet to a point, and S 56° 32' 41" E 99.96 feet to a point in the existing city limit line; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS along the common property line of Margaret H. Caldwell, Heirs and Guilford County the following courses and distances: S 01° 01' 34" W 192.18 feet to a point, and S 02° 24' 05" W 279.52 feet to the northeast corner of Edwin B. and Carole S. Monroe; THENCE DEPARTING FROM THE EXISTING CITY LIMITS with Monroe's northern line S 70° 59' 36" W 400.96 feet to Monroe's northwest corner; thence S 00° 24' 58" E approximately 297 feet along Monroe's western line and the projection thereof to a point on the south right-of-way line of Owl's Roost Road; thence in a westerly direction with said right-of-way line approximately 200 feet to its intersection with the southward projection of the eastern line of a second property of Edwin B. and Carole S. Monroe; thence N 11° 00' 56" W approximately 295 feet along said projection and said eastern line to Monroe's northeast corner; thence S 84° 41' 48" W 850.37 feet along Monroe's northern line to Monroe's northwest corner; thence N 01° 15' 49" E 480.05 feet along the eastern line of Eric R. and Mary S. Calhoun to an existing stone; thence continuing with said line N 01° 15' 07" W 429.11 feet to Calhoun's northeast corner; thence S 89° 01' 06" W 834.79 feet along Calhoun's northern line to a point in the east right-of-way line of Bur-Mil Club Road (NCSR # 2336); thence in a southerly direction with said right-of-way line and the projection thereof approximately 1,330 feet to a point in the south right-of-way

line of Owl's Roost Road, said point being in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS in a westerly direction with said south right-of-way line approximately 1,700 feet to the point and place of BEGINNING, and containing approximately 253 acres.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Florence F. Gatten

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance rezoning from RS-7 Residential Single Family to Public and Institutional for property located at the southwest intersection of North Dudley Street and Bluford Street; he noted this matter had received a vote of 5-3 by the Zoning Commission to recommend approval of the rezoning.

Mr. Martin used a map and slides to illustrate the property proposed for rezoning and the surrounding area. He noted that NC A&T owns the property, and the rezoning was before Council for rezoning because the issue did not receive the required 6 affirmative votes at the Zoning Commission.

Brief discussion was held with regard to tree ordinance requirements with respect to the maintenance of existing trees in general and specifically existing trees on this property

The Mayor asked if anyone wished to be heard.

Andy Perkins, Assistant Vice Chancellor at North Carolina A&T State University, spoke to the University's Master Plan and detailed land acquisition and future acquisition plans for growth which would focus on the north, east and south to combine the campus; reviewed various phases of the Master Plan for development; spoke to the University's desire to provide a pedestrian friendly campus; detailed the offerings housed in the Dudley Hall Memorial Building; and noted the University's plans to use the property at 227 Dudley Street to provide parking spaces for visitors to this facility. Mr. Perkins stated that because of discussion with the neighborhood, the University planned to maintain existing trees and would not intrude on the community. He also stated that he believed the University had done due diligence and didn't plan to purchase property for the University's use any further on Dudley Street.

John Harris, residing at 312 Beech Street, spoke in opposition to the rezoning of this property for use as a parking lot for the University. He spoke to the historical significance of the property, provided a history of the property and area, and stated he did not believe this small lot would solve any of the University's parking problems.

Kathleen Mitchell, owner of property in the area, spoke in opposition to the rezoning. Speaking to the history of this property, she stated she believed its use as a parking lot would depreciate the neighborhood and that she would like to see the property used to honor the University's past president, James B. Dudley.

Some members of Council expressed individual concerns with respect to the development of this site as a parking lot. Councilmember Burroughs-White commended the University for its plan and work in the area. She spoke to the historical significance of this property; she expressed concerns with plans to use this property for a parking lot that could set the precedent for "creep" into the established neighborhood. Councilmember Burroughs-White added that she believed this use to be outside the purview of the strategic plan and would like to see another use for this property.

Councilmember Phillips moved to close the public hearing. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of Council.

Mr. Martin provided the following staff recommendation:

Item 14 – North Dudley & Bluford Streets

The Planning Department recommends that this rezoning request be approved.

North Carolina A & T State University has recently purchased this property in furtherance of implementing the university's master plan.

Public and Institutional is the necessary and appropriate zoning classification for university land use.

Councilmember Phillips moved adoption of the ordinance. The motion was seconded by Councilmember Perkins; the ordinance was DEFEATED on the following roll call vote: Ayes: None. Noes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Perkins, Phillips and Vaughan. (A copy of the ordinance as introduced and DEFEATED is filed in Exhibit Drawer O, Exhibit Number 2, which is hereby referred to and made a part of these minutes.)

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Moving to the Consent Agenda, Councilmember Vaughan moved adoption of the ordinances, resolutions and motions listed on the Consent Agenda. The motion was seconded by Councilmember Phillips; the Consent Agenda was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Perkins, Phillips and Vaughan. Noes: None.

2-03 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN PORTION OF THE PROPERTY OF BNP RESIDENTIAL PROPERTIES, INC. (ABBINGTON PLACE APARTMENTS), IN CONNECTION WITH THE HILLTOP ROAD WIDENING PROJECT

WHEREAS, BNP Residential Properties, Inc. (Abbingdon Place Apartments) is the owner of certain property located on Hilltop Road, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Hilltop Road Widening Project;

WHEREAS, negotiations with the owner at the appraised value of \$24,357.96 have been unsuccessful and said portion of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owner in the amount of \$24,357.96;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portion of property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$24,357.96 to the Clerk of Superior Court as compensation to the owner, payment to be made from Account No. 431-6002-49.6012 CBR 083.

(Signed) Donald R. Vaughan

.....

3-03 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN PORTION OF THE PROPERTY OF THOMASINA W. MCKOY, IN CONNECTION WITH THE HILLTOP ROAD WIDENING PROJECT

WHEREAS, Thomasina W. McKoy is the owner of certain property located on Chaucer Drive, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Hilltop Road Widening Project;

WHEREAS, negotiations with the owner at the appraised value of \$2,802.00 have been unsuccessful and said portion of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owner in the amount of \$2,802.00;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portion of property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$2,802.00 to the Clerk of Superior Court as compensation to the owner, payment to be made from Account No. 431-6002-49.6012 CBR 083.

(Signed) Donald R. Vaughan

.....

4-03 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN
PORTION OF THE PROPERTY OF MARGARET W. RUMLEY, IN CONNECTION WITH THE REEDY
FORK CREEK SANITARY SEWER FORCE MAIN

WHEREAS, Margaret W. Rumley is the owner of certain property located on McLeansville Road, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Reedy Fork Creek Sanitary Sewer Force Main Project;

WHEREAS, negotiations with the owner at the appraised value of \$520.00 have been unsuccessful and said portion of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owner in the amount of \$520.00;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portion of property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$520.00 to the Clerk of Superior Court as compensation to the owner, payment to be made from Account No. 509-7058-01.6019 CBR 001.

(Signed) Donald R. Vaughan

.....

5-03 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN
PORTION OF THE PROPERTY OF MARGARET W. RUMLEY, IN CONNECTION WITH THE

REEDY FORK CREEK SANITARY SEWER FORCE MAIN

WHEREAS, Margaret W. Rumley is the owner of certain property located on McLeansville Road, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Reedy Fork Creek Sanitary Sewer Force Main Project;

WHEREAS, negotiations with the owner at the appraised value of \$2,590.00 have been unsuccessful and said portion of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owner in the amount of \$2,590.00;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portion of property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$2,590.00 to the Clerk of Superior Court as compensation to the owner, payment to be made from Account No. 509-7058-01.6019 CBR 001.

(Signed) Donald R. Vaughan

.....

6-03 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2000-19 WITH ENVIRONMENTAL PIPELINE REHABILITATION, INC. FOR SANITARY SEWER REHABILITATION PROJECT "F" IMPROVEMENTS

WHEREAS, Contract No. 2001-19 with Environmental Pipeline Rehabilitation, Inc. provides for sanitary sewer rehabilitation Project "F" improvements;

WHEREAS, due to special conditions of the Contract, the City reserves the right to extend this Contract as a "Unit Price Contract" for a period of 12 months from the award date, thereby necessitating a change order in the contract in the amount of \$250,000.00.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Environmental Pipeline Rehabilitation, Inc. for the Sanitary Sewer Rehabilitation Project "F" Improvements is hereby authorized at a total cost of \$250,000.00, payment of said additional amount to be made from Account No. 503-7012-02.6017.

(Signed) Donald R. Vaughan

.....

03-9 ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR FY 2002-03 PARKS AND RECREATION N.C. SENIOR CENTER PROJECT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State, Federal and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation for the State, Federal and Other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-5075-01.5214	Office Equipment & Furniture	\$ <u>5,650</u>
Total		\$ 5,650

and, that this increase be financed by increasing the following State, Federal and Other Grants Fund accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-5075-01.9101	Transfer from General Fund	\$ 565
220-5075-01.7170	Local Government Grant	<u>5,085</u>
Total		\$ 5,650

(Signed) Donald R. Vaughan

.....

03-10 ORDINANCE AMENDING THE FY 02-03 STATE, FEDERAL AND OTHER GRANTS
PROJECTBUDGET FOR POLICE SPECIAL RESPONSE TEAM EQUIPMENT

BE IT ORDAINED BY THE CITY COUNCIL OF GREENSBORO:

That the State, Federal, and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State, Federal, and Other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3576-01.5235	Small Tools and Equipment	<u>\$60,000</u>
Total		\$60,000

And that this increase be financed by increasing the following State, Federal, and Other Grants Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3576-01.7104	Federal Forfeiture Funds	<u>\$60,000</u>
Total		\$60,000

(Signed) Donald R. Vaughan

.....

03-11 ORDINANCE AMENDING THE FY 02-03 STATE, FEDERAL AND OTHER GRANTS PROJECT
BUDGET FOR THE 2002 LOCAL LAW ENFORCEMENT BLOCK GRANT – EQUIPMENT AND
COMPUTERS

BE IT ORDAINED BY THE CITY COUNCIL OF GREENSBORO:

That the State, Federal, and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State, Federal, and Other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3575-01.5212	Computer Software	\$33,837
220-3575-01.5235	Small Tools and Equipment	97,600
220-3575.01.6059	Other Capital Equipment	<u>200,000</u>
Total		\$331,437

And that this increase be financed by increasing the following State, Federal, and Other Grants Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3575-01.7100	Federal Grant	\$ 298,293
220-3575-01.7104	Federal Forfeiture Funds	<u>31,144</u>
Total		\$331,437

(Signed) Donald R. Vaughan

.....

7-03 RESOLUTION AUTHORIZING INSTALLATION OF WATER LINES TO WALDENBROOK ROAD UNDER AGREEMENT BETWEEN CITY OF GREENSBORO AND GUILFORD COUNTY

WHEREAS, Guilford County has recently authorized the installation of water lines to serve Waldenbrook Road, in accordance with the Consolidated Water and Sewer Agreement between the County and the City;

WHEREAS, the project will be financed by the county;

WHEREAS, in the opinion of the City Council, the best interest of the City will be served by the construction of the water lines in accordance with said agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the construction of the above mentioned water lines to serve Waldenbrook Road in accordance with the agreement between the City of Greensboro and Guilford County is hereby authorized; provided that there shall be no assessments levied.

(Signed) Donald R. Vaughan

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8-03 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2002-54 WITH D. H. GRIFFIN & WRECKING CO. FOR THE DEMOLITION OF AYCOCK STREET WATER TANK

WHEREAS, after due notice, bids have been received for the demolition of the Aycock Street water tank;

WHEREAS, D. H. Griffin & Wrecking Co., a responsible bidder, has submitted the low base and alternate bid in the total amount of \$138,490.00 as general contractor for Contract No. 2002-54, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by D. H. Griffin & Wrecking Co. is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 503-7012-01.6019 CBR 003.

(Signed) Donald R. Vaughan

(A copy of the tabulation of bids for the demolition of Aycock Street Water Tank is filed with the above resolution and is hereby referred to and made a part of these minutes.)

.....

Motion to approve minutes of regular meeting of December 3, 2002 was unanimously approved.

.....

Motion to make a part of the minutes, report of budget adjustments for the period of November 1-30, 2002 was unanimously approved. (A copy of the report is filed in Exhibit Drawer O, Exhibit Number 1, which is hereby referred to and made a part of these minutes.)

.....

After the introduction of an ordinance amending Chapter 2 of the Greensboro Code of Ordinances to set a special meeting or District 5 for January 16, 2003, Councilmember Carmany moved its adoption. The motion was seconded by Councilmember Burroughs-White; the ordinance was adopted on the following roll call vote: Ayes: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Perkins, Phillips and Vaughan. Noes: None.

03-12 AMENDING CHAPTER 2

AN ORDINANCE AMENDING CHAPTER 2 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ADMINISTRATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Section 2-16 of the Greensboro Code of Ordinances is hereby amended by setting a special meeting of the City Council to 6:00 p.m. on January 16, 2002 for the purpose of conducting a District 5 Council meeting to be held at the Lindley Recreation Center, 2907 Springwood Drive.

Section 2. That this ordinance is effective immediately upon adoption.

Section 3. That all laws and clauses of laws in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

(Signed) Sandy Carmany

.....

Mayor Holliday introduced a resolution authorizing City Attorney to institute proceedings to condemn portion of property of Carriage Crossing in connection with the Wagon Wheel Commons Project.

At the request of the City Manager, Kevin Eason, Water Resources Department, provided details with regard to the acquisition of property for this project and explained the location of existing pipe in the area and the proposed extension. He stated staff had reviewed three available options and chose Option three because it required 800' less of public sewer line. Councilmember Gatten spoke to her involvement in this process; she stated that after extensive study and discussion, option three had been determined to be the best alternative.

Carrie Person, residing at 3400 Lawndale Drive, spoke to the developer's efforts to determine a way to extend sewer to the proposed development and noted it was determined that Option 3 was the most feasible; she noted the developer would pay the expenses invested by the City in taking over sewer from Carriage Crossing.

Lone Saul, residing at 809-C Carriage Crossing Lane, president of the Carriage Crossing Homeowners Association, spoke in opposition to the condemnation and the proposed water line. He expressed concerns with regard to the notification to property owners, detailed meetings with Councilmember Gatten and City staff, spoke to the proposed development and the potential impact on the existing private townhomes, offered personal thoughts about the plan to extend sewer across this property, and requested Council to continue the resolution until the homeowners received more complete, written information.

Mrs. Guttman, residing at 481 Carriage Court, expressed concern with regard to the negative impact the project's construction in the area of the townhomes would have on residents.

Some members of Council discussed at length with staff personal thoughts with regard to the three options reviewed by staff and the rationale for selecting Option 3; i.e., the route and possible impact of each option on the area, the benefits of city-maintained sewer lines vs. private lines, the fact that the developer would pay for the extension, this history of Carriage Crossing, the rationale for selecting option three, and the condemnation process used by the City. Councilmember Gatten reiterated that option three was the best option because of the topography of the area and stated she believed this option was in accordance with the comprehensive plan for infill; she encouraged Council to move forward with this issue.

Noting the City's efforts to avoid the condemnation process whenever possible because of the cost, etc. involved, the City Attorney spoke to the lengthy process which must be undertaken by the City for condemnation.

Councilmember Phillips moved adoption of the resolution. The motion was seconded by Councilmember Gatten; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Perkins, Phillips and Vaughan. Noes: None.

9-03 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN PORTION OF THE PROPERTY OF CARRIAGE CROSSING IN CONNECTION WITH THE WAGON WHEEL COMMONS PROJECT

WHEREAS, Carriage Crossing is the owner of certain property located in Wagon Wheel Commons Development, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the improvements to the sewer lines which are a public purpose and public necessity;

WHEREAS, negotiations with the owners have been unsuccessful and said portion of property is necessary for said project;

WHEREAS, it is deemed necessary, a public purpose and public necessity, and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of property in accordance with the City policy for the acquisition of right-of-way for developers in City and County projects, said policy presented herewith;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, and the City Policy for the acquisition of right-of-way for Developers in City and County projects the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portion of property, and the Director of Finance is hereby authorized to issue a draft in the appropriate amount to the Clerk of Superior Court as compensation to the owner, payment to be made from funds deposited by the Developer.

(Signed) Thomas M. Phillips

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The Mayor declared a recess at 8:20 p.m.

The meeting re-convened with all members of Council present except Councilmember Johnson who was excused earlier in the meeting.

.....

Mayor Holliday introduced a resolution authorizing change order in the amount of \$1,944,380 for Contract No. 2001-16 for the Multi-Modal Transportation Center.

The Manager noted that the size of the change order and Councilmember Phillips' ongoing position with regard to the Center, were placed under business items. He noted that Council had received a detailed briefing with regard to the facility in June.

Jim Westmoreland, Transportation Department Director, used slides to present a brief overview of "The Depot" related to items 29 and 30 on the agenda. He spoke to the June briefing and noted the change order included renovations to the Main concourse; i.e., security, plumbing, mechanical, electrical, heating and air conditioning. Mr. Westmoreland noted the supplemental agreement would allow the North Carolina Department of Transportation to proceed with and fully fund Phase II at the facility; he reiterated there would be no financial impact to the City. Mr. Westmoreland also reviewed details with regard to the project budget and schedule with the estimated time of completion for Phase I to be July 2003 and Phase II to be winter of 2004. (A copy of the slides as offered by Mr. Westmoreland is filed with the above resolution and is hereby referred to and made a part of these minutes.)

After brief discussion with regard to the cost of the proposed facility, the Manager cautioned that staff didn't want to give the impression the project would come in under cost but stated it was staff's strong desire not to go over budget.

Councilmember Phillips stated that while the City's cost might be low, citizens' state and federal tax dollars would pay for the remainder of the cost. He added that, on behalf of citizens, he would express his ongoing concerns with regard to this project.

Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Perkins and Vaughan. Noes: Phillips.

10-03 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2001-16 WITH JOHN S. CLARK COMPANY, INC. FOR THE MULTI-MODAL TRANSPORTATION CENTER

WHEREAS, Contract No. 2001-16 with John S. Clark Company, Inc. provides for general construction for the renovation, construction and necessary site work for the Multi-Modal Transportation Center located at 236 East Washington Street;

WHEREAS, renovations and improvements are necessary for the Main Concourse, thereby necessitating a change order in the contract in the amount of \$1,944,380.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with John S. Clark Company, Inc. for renovations and

improvements to the Main Concourse is hereby authorized at a total cost of \$1,944,380.00, payment of said additional amount to be made from Account No. 566-4513-01.6013 (CBR #001).

(Signed) Claudette Burroughs-White

.....

The Mayor introduced a resolution authorizing supplemental agreement to an existing NCDOT Municipal Agreement regarding the use and expenditure of FHWA.

Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Perkins and Vaughan. Noes: Phillips.

11-03 RESOLUTION AUTHORIZING THE EXECUTION OF A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, TO AID IN THE FINANCING OF PHASE 2 OF THE MULTI-MODAL TRANSPORTATION CENTER PROJECT

WHEREAS, North Carolina Department of Transportation has included in its Transportation Improvement Plan Surface Transportation Program Enhancement Program Funds for improvements to the Southern Railway Passenger Station within the Municipality;

WHEREAS, the Municipality has agreed to assume responsibility for all aspects of said Phase 1 improvements including planning, design and construction of the project subject to the review and approval of the Department and in accordance with state and federal standards

WHEREAS, the City of Greensboro entered into a Municipal Agreement with the North Carolina Department of Transportation to receive STP Enhancement Program Funds dated April 2, 2001;

WHEREAS, the parties have agreed to delete Provision 3 from the original Municipal Agreement dated April 2, 2001;

WHEREAS, the Department and Municipality now wish to amend the Agreement to add provisions for the use of funds by MMPA to provide professional engineering services for additions to Phase 1 (see Provision 26) and to reflect all work for Phase 1 will be contained within the existing right of way of the station (Provision 25);

WHEREAS, the Department shall be responsible for 100% of the project expenses associated with the design, construction and contract administration for Phase 2 improvements (See Provision 27) and acquire permanent easements within the railroad right of way on behalf of the Municipality (See Provision 25);

WHEREAS, the Department and Municipality now wish to amend Provision 11 to designate funding for Phase 1 of the project to be regulated by this agreement and Provision 22 defines Amtrak as any inter city passenger rail company and the establishment of mutually acceptable lease terms between Amtrak and the Municipality to occupy space at the station; and

NOW, THEREFORE, BE IT RESOLVED that Project P-3801, Guilford County, is hereby formally approved by the City Council of the City of Greensboro and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the North Carolina Department of Transportation.

(Signed) Claudette Burroughs-White

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Mayor Holliday introduced an ordinance amending in the amount of \$800,000 General Fund FY 02-03 Budget for Storm Debris Clean-up. Council received a staff presentation with regard to the City's storm debris

cleanup earlier in the meeting.

After brief comments by the City Manager, Councilmember Phillips moved adoption of the ordinance. The motion was seconded by Councilmember Gatten; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Jessup, Perkins, Phillips and Vaughan. Noes: None.

03-13 ORDINANCE AMENDING GENERAL FUND FY 02-03 BUDGET FOR STORM DEBRIS CLEAN-UP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appropriation for the General Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
101-9550-99.5949	Miscellaneous	<u>\$800,000</u>
Total		\$800,000

and, that this increase be financed by increasing the following General Fund accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
101-0000-00.8900	Appropriated Fund Balance	<u>\$800,000</u>
Total		\$800,000

This Ordinance shall become effective immediately upon adoption.

(Signed) Thomas M. Phillips

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Mayor Holliday introduced an ordinance amending in the amount of \$191,124 the FY 02-03 State, Federal and Other Grants Project Budget for the Mobile Data Computer (MDC) Project.

After brief comments by the City Manager, Councilmember Gatten moved adoption of the ordinance. The motion was seconded by Councilmember Burroughs-White; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Jessup, Perkins, Phillips and Vaughan. Noes: None.

03-14 ORDINANCE AMENDING THE FY 02-03 STATE, FEDERAL AND OTHER GRANTS PROJECT BUDGET FOR THE MOBILE DATA COMPUTER (MDC) PROJECT

BE IT ORDAINED BY THE CITY COUNCIL OF GREENSBORO:

That the State, Federal, and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State, Federal, and Other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3577-01.6059	Other Capital Equipment	<u>\$ 191,124</u>
Total		\$191,124

And that this increase be financed by increasing the following State, Federal, and Other Grants Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
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220-3577-01.7123	State Drug Excise Tax	<u>\$ 191,124</u>
Total		\$191,124

(Signed) Florence F. Gatten

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After the introduction of an ordinance establishing in the amount of \$115,724 Grant Project Budget Amendment for the Fiscal Year 2002-03 State Maintenance Assistance Program Funds and brief comments by the Manager, Councilmember Burroughs-White moved adoption of the ordinance. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Perkins, Phillips and Vaughan. Noes: None.

03-15 ORDINANCE ESTABLISHING GRANT PROJECT BUDGET AMENDMENT FOR THE FISCAL YEAR 2002-03 STATE MAINTENANCE ASSISTANCE PROGRAM FUNDS

Section 1. That the Grant Project Budget Amendment for the FY 2002-03 State Maintenance Assistance Program Funds be established for the life of the project as follows.

<u>Account</u>	<u>Description</u>	<u>Amount</u>
564-4531.01.5423	Contracted Transportation	\$115,724

And, that increasing the revenue finance in the following account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
564-4531-01.7110	State Grant	\$115,724

(Signed) Claudette Burroughs-White

After brief comments with regard to the sports facility negotiations, the City Manager requested Council to enter into Closed Session; he stated that Council would return to open session to take action. Councilmember Vaughan moved that Council adjourn to Closed Session for the purpose of discussing a real estate matter. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of Council. The City Council adjourned to Closed Session at 8:50 p.m.

All members of Council, except Councilmember Johnson excused by Council earlier in the meeting, re-entered the Chamber at 9:22 p.m. Councilmember Vaughan moved that Council return to the regular meeting. The motion was seconded by Councilmember Perkins and adopted unanimously by voice vote of Council.

Mayor Holliday introduced a resolution approving bid in the amount of the purchase of the Pyramids Fitness Facility, property of Donald E. Linder, for the Parks and Recreation Department.

The Manager stated that based on discussion and his negotiations with the property owner which had resulted in an agreement for the City to purchase for \$6,000,000 the property at 2400 16th street--land and sports center owned by Pyramids--and the adjacent property located at 3410 16th Street fronting on Cone Boulevard. The Manager added that the two properties were appraised at \$6,235,000. He stated that, if approved, City staff hoped to close on the purchase by the end of January and anticipated a smooth transition to City ownership. The Manager stated that the Parks and Recreation Commission unanimously supported the purchase.

Offering her strong support for the purchase of this facility, Councilmember Burroughs-White spoke to the

benefits the purchase of an on-line facility would be to the Parks and Recreations Department's efforts to provide services to this area. She also stated she hoped this facility and the renovations at Carolina Circle Mall would be a boost for other economic development in Northeast Greensboro.

Councilmember Phillips moved adoption of the resolution. The motion was seconded by Councilmember Burroughs-White; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Perkins, Phillips and Vaughan. Noes: None.

12-03 RESOLUTION AUTHORIZING PURCHASE OF THE PYRAMIDS FITNESS FACIITY, PROPERTY OF LINDER VENTURES, III, LLC FOR THE PARKS AND RECREATION DEPARTMENT

WHEREAS, the City of Greensboro desires to purchase the Pyramids Fitness Facility located at 2400 and 2410 Sixteenth Street, known as Tax Map Nos. 545-1-35 & 37, totaling 12.13 acres for its use;

WHEREAS, this facility will provide a Mega Recreation Center immediately for our citizens, particularly in the rapidly growing eastern section of Greensboro;

WHEREAS, the purchases of this facility will fill a service gap identified in our Parks and Recreation Master Plan greatly enhancing wellness and fitness opportunities for citizens across the City;

WHEREAS, the required property has been appraised at a value of \$6,235,000.00 and the owner has agreed to settle for the price of \$6,000,000.00, which settlement, in the opinion of the City Council is a fair and reasonable alternative to condemnation;

WHEREAS, the monies utilized for this purchase will come from the General Obligation Bonds, approved by voters in the 2000 Bond Referendum for Parks and Recreation;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCI OF THE CITY OF GREENSBORO;

That the agreed price of the above mentioned portion of property in the amount of \$6,000,000.00 is hereby approved, and the purchase of the property in accordance with the agreed price is hereby authorized, payment to be made from the General Obligation Bonds, approved by voters in the 2000 Bond Referendum for Parks & Recreation.

(Signed) Thomas M. Phillips

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* * * * *

Mayor Holliday introduced the resolution attached hereto as Appendix A and entitled "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$50,000,000 GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS", which was read by title and summarized by the City Attorney.

The City Attorney then announced that she had approved said resolution as to form.

Thereupon, upon motion of Councilmember Donald R. Vaughan, seconded by Councilmember Claudette Burroughs-White, the resolution entitled:

"RESOLUTION PROVIDING FOR THE ISSUANCE OF \$50,000,000 GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS"

was passed by roll call vote as follows:

Ayes: Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Florence F. Gatten, Keith A. Holliday, Belvin J. Jessup, Robert V. Perkins, Thomas M. Phillips and Donald R. Vaughan.

Noes: None.

Thereupon Mayor Holliday announced that said resolution has passed by a vote of 8 to 0.

(APPENDIX A IS CONTAINED IN THE PERMANENT CITY COUNCIL MINUTES AND CONSISTS OF APPROXIMATELY 60 PAGES)

* * * * *

Mayor Holliday introduced the following resolution, which was ready by title and summarized by the City Attorney:

RESOLUTION PROVIDING FOR THE ISSUANCE OF

\$23,690,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2003

The City Attorney then announced that she had approved as to form the foregoing resolution.

Upon motion of Councilmember Sandra G. Carmany, seconded by Councilmember Claudette Burroughs-White, the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$23,690,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2003" was passed by roll call vote as follows:

Ayes: Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Florence F. Gatten, Keith A. Holliday, Belvin J. Jessup, Robert V. Perkins, Thomas M. Phillips and Donald R. Vaughan.

Noes: None.

Thereupon Mayor Holliday announced that said resolution had passed by a vote of 8 to 0.

(THE ENTIRE RESOLUTION IS CONTAINED IN THE PERMANENT CITY COUNCIL MINUTES AND CONSISTS OF APPROXIMATELY 18 PAGES)

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Mayor Holliday introduced an addendum item, a Resolution approving bid and authorizing execution of contract No. 2002-65 with Brady Services, Inc. for the Greensboro Coliseum Complex-Pavilion HVAC Improvements Project.

After a brief explanation by the City Manager, Councilmember Vaughan moved adoption of the resolution. The motion was seconded by Councilmember Perkins; the resolution was adopted on the following roll call note:

Ayes: Councilmembers Burroughs-White, Carmany, Gatten, Holliday, Jessup, Perkins, Phillips and Vaughan.

Noes: None.

13-03 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2002-65 WITH BRADY SERVICES, INC. FOR THE GREENSBORO COLISEUM COMPLEX – PAVILION HVAC IMPROVEMENTS PROJECT

WHEREAS, after due notice, bids have been received for the Greensboro Coliseum Complex – Pavilion HVAC Improvements project;

WHEREAS, Brady Services, Inc., a responsible bidder, has submitted the low base and alternate bid in the total amount of \$171,320.00 as general contractor for Contract No. 2002-65, which bid, in the opinion of the City

Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Brady Services, Inc. is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 686-1001-02.6059 CBR 011.

(Signed) Donald R. Vaughan

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Council provided information with regard to various meetings and events of interest to the community.

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Councilmember Vaughan added the name of Irene Hall to the boards and commissions data bank for consideration for future service on the Morehead Commission.

Speaking to North Carolina's representation in Congress, Councilmember Vaughan stated he believed Council should use this to Greensboro's advantage.

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Councilmember Burroughs-White commended Butch Simmons, Interim Director for Engineering and Inspections Division, and his staff for addressing her District's concerns mentioned at the last Council meeting.

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Councilmember Jessup added the names of John Rhodes and Diana H. Olden to the boards and commissions data bank for consideration for future service.

Councilmember Jessup reiterated ongoing concerns with regard to complaints about illegal activities in the area of the Southgate Motor Inn and Budget Motel located in Council District 1 and requested that staff revisit these complaints. He also requested that staff provide a report of their findings to Council. The City Manager advised that these problems involved multiple City departments and that information would be provided to Council.

Councilmember Jessup requested that staff determine if Lost Dimensions, an area business, was legally licensed to operate.

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Councilmember Gatten provided information with regard to private and public street requirements, an update with respect to the progress of the Historic District Guidelines review and an update on the work of the Cultural Arts Task Force.

Brief discussion was held with regard to the specific charge to the committee reviewing the historic district guidelines. After Councilmember Gatten noted the committee was charged with reviewing issues regarding the outside of buildings and things on site and not the issue of the size of an historic district, Councilmember Perkins stated he believed this should be discussed at a future briefing.

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Councilmember Carmany added the name of Ruth K. Hinshaw to the boards and commissions data bank for consideration for future service on the Human Relations Commission.

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Councilmember Phillips added the name of Tim Burnett to the boards and commissions data bank for

consideration for future service on the Airport Authority.

Councilmember Phillips added the name of Jon Barsanti, Jr. to the boards and commissions data bank for consideration for future service on the Advisory Commission on Trees.

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Councilmember Perkins reiterated Councilmember Jessup's concerns about the Southgate Inn area and the need to address problems to improve the Randleman Road area.

Councilmember Perkins expressed his opinion with regard to the unsightly condition of the apartments located at the corner of Cedar Street and Friendly Avenue owned by AAA Realty; he requested staff to take action as soon as possible to address the condition of this property.

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Mayor Holliday added the name of Karen Holstein to the boards and commissions data bank for consideration for possible future service on the Commission on the Status of Women.

Mayor Holliday spoke to a number of upcoming events of interest in the community.

The Mayor reminded Council of the presentation of the Comprehensive Plan beginning at 9:00 am on Tuesday, January 14, 2003 in the Council Chamber and of the District 5 Council meeting scheduled for 6:00 p.m. on January 16, 2003 at the Lindley Recreation Center; he encouraged all members of Council to attend these important meetings.

Mayor Holliday stated that Council was aware of the Civil Rights Museum's request for monetary assistance for disposal of demolition material during the demolition of the facility. After brief remarks by the City Manager as to the funding source and a comment by Councilmember Vaughan in support of reimbursing the Museum, Councilmember Jessup moved to provide funding to the Civil Rights Museum for disposal of demolition material in an amount not to exceed \$5,000. The motion was seconded by Councilmember Burroughs-White and adopted unanimously.

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The City Manager expressed appreciation to Council for the earlier compliments to City Staff.

The Manager stated staff was finalizing the legislative packet to be submitted to the North Carolina General Assembly and requested Council to contact the City Attorney with any suggestions for the final packet.

The Manager reminded Council of the January 28 Council workshop being held instead of a January briefing on that date.

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Councilmember Vaughan moved that the City Council adjourn. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED AT 10:06 P.M.

KEITH A. HOLLIDAY
MAYOR

JUANITA F. COOPER
CITY CLERK
